



REGULAR MEETING MINUTES

**Wednesday, December 11, 2013
Art Pick Council Chambers
3900 Main Street, Riverside, CA**

CASE REVIEW – 4:30 PM

Case Review Roll Call

Rotker	Hawkins	Ybarra	Taylor	Ortiz	Jackson	Roberts	VACANT	Adams
✓	✓	✓	✓	✓	S	✓	■	✓

✓ = Present **B** = Absent / Business **S** = Absent / Sick **V** = Absent / Vacation **O** = Absent / Other
UE = Absent / Unexcused **L** = Late **LE** = Left Early **■** = Vacant

STAFF: Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comment

This is an opportunity for members of the public to address the Commission on closed session items.

There were no public comments regarding closed session items.

Closed Session – Case Review

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:35 PM to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	CPRC CASE NO.	RPD CASE NO.
1)	13-015	PC-13-05030
2)	13-022	PC-13-07039

The Commission recessed at 5:30 PM to reconvene in the Regular Meeting.

REGULAR MEETING – 5:30 PM

Audio for the following proceedings is available on the CPRC website:

www.riversideca.gov/cprc

Copies can also be obtained by calling the CPRC office at (951) 826-5509.

PLEDGE OF ALLEGIANCE

Regular Meeting Roll Call

Rotker	Hawkins	Ybarra	Taylor	Ortiz	Jackson	Roberts	VACANT	Adams
✓	✓	✓	✓	✓	S	✓	■	✓

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STAFF: Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comments

Public comment on any subject matter within the Commission's jurisdiction.

Paul Chavez said he had several questions regarding the Jimenez OID. Where on his body was Mr. Jimenez hit by the bean bag that was fired from the less-lethal shotgun? What were the angles of the shots that were fired? He said he would like to find out about that or that the Commission finds out to determine if things were done properly. Why did the officers fire their weapons after being on scene for only a few minutes? He noted that a similar incident occurred a few weeks later where officers were dealing with a mentally ill person. In this case, officers talked to the person for almost an hour before it ended, and without any injuries. He asked if that was because that person was white and Mr. Jimenez was Latino.

John Brandriff said that he had attended the mental health forum and that he was glad to see three commissioners in attendance. He said that the mental health issue needs to be addressed by the community and the police department and noted his disappointment that no one from RPD was present. He said the mental health issue needs to be addressed, like SWAT and K-9, and that RPD should create its own mental health unit as other agencies throughout the country have done. He noted different models: in Los Angeles, mental health clinicians ride with officers; Memphis trains 10% of its officers in mental health issues so that a sworn officer is always available when needed. He said that the police department should be a participant in this issue and asked that the Commission actively engage the community and the police department. He referred to City Charter Section 810 A which says the Commission shall advise the Mayor and City Council on all police and community relations issues. He believes that this is an opportunity for the Commission to address the mental health issue for future discussion.

Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
A) November Regular Meeting	Rotker	Hawkins	Rotker, Hawkins, Ybarra, Taylor, Ortiz, Roberts, Adams	0	0

RPD Briefing

Preliminary briefing on the officer-involved death of Adolfo Ramirez on November 22, 2013.

Asst. Chief Chris Vicino briefed the Commission on the Ramirez incident. (The audio, along with the slide show presentations, is available on the CPRC website.)

Questions were asked of Asst. Chief Vicino regarding the incident.

Commissioner Rotker:

- When the officer fired, was he kneeling behind his car?
 - The officer was in a crouch position firing over the hood of his car.
- Was the suspect totally exposed?
 - No. The officer fired through the passenger side of his car, through one window and out the other, hitting the suspect.
- The suspect was on the other side of the civilian vehicle?
 - Yes.
- The officer fired through that vehicle?
 - He did.
- And shattered the glass of two windows?
 - One window.
- It went through one window and struck the individual?
 - Yes.
- Where did the second bullet go?
 - It hit the top of the passenger compartment.
- The officer's sight-picture consisted of what he could see through the window?
 - Yes. He saw the suspect through the window and the flashes when the suspect fired his gun at him.

Commissioner Taylor:

- Was the suspect a 3056 parole violator at the time or was he reporting?
 - Yes, he was a 3056. He was wanted and out of compliance.
- Has RPD had a narcotics problem with the house across the street?
 - Numerous times and this officer specifically has made arrests at that location on numerous occasions.
- What has happened there since this incident?
 - In the aftermath, I don't know.

Chairwoman Roberts:

- You had mentioned "realignment. What is realignment in California?
 - Realignment began with the Coleman-Plata lawsuit. Coleman and Plata were two inmates in the California prison system who sued for health care saying that inmates weren't getting proper health care. The problem was eventually solved by the release of inmates from California prisons. AB 109 resulted and this realignment places a great burden on law enforcement. When someone is sentenced today, people are serving numerous years in county jails and Riverside County is now facing a similar law suit because of overcrowding in the jails. People are now being given citations rather than being incarcerated due to overcrowding and the crime rate is rising because of this. Proponents of AB 109 say it has helped balance the state budget.

Commissioner Hawkins:

- Did RPD officers have prior contact with the suspect?
 - Yes. His last arrest was in Riverside.

Commissioner Rotker:

- Was this the suspect's car or someone else's?
 - Someone else's.

- The car was occupied by two people?
 - Yes.
- Where were they?
 - One was driving and one was in the back seat.
- The officer fired through the front right window, it exited through the driver's side window, and hit the suspect.
 - He did.
- What happened to the person in the driver's seat?
 - Believe the occupants were lying down on the seats. They were important witnesses and substantiated who shot first and what had happened.
- What was the relationship between suspect and the people in the car?
 - I don't know.
- The occupants were not hurt?
 - They were not hurt.

Chairwoman Roberts thanked Asst. Chief Vicino for the presentation and for answering commissioner questions.

Outreach

A) November Outreach

Commissioner Adams:

- November 18: Forum on Mental Illness

Commissioner Ybarra:

- November 18: Forum on Mental Illness

Commissioner Hawkins:

- November 18: Forum on Mental Illness
- RPD Helicopter Ride-Along

Commissioner Taylor:

- December 5 – Meeting with Riverwalk Esplanade Apartments management
- December 7 - Golf Tournament for the Children at Fairmount Park
- December 10 - Leadership Riverside Academy Graduation

Commissioner Rotker:

- November 13 – Mayor's Night Out at Hunt Park

Commissioner Ortiz:

- Festival of Lights

Chairwoman Roberts:

- November 18: CIONO Thanksgiving Give-Away at Stratton Center

B) Upcoming Outreach Events and Opportunities

- 1) Lunar Fest 2014 – January 25, 2014 at 10 AM
- 2) Black History Parade and Expo – February 8, 2014 at 10 AM

Chairwoman Roberts:

- Asked if the application for the Lunar Fest had been submitted.
 - Ms. Sherron said she had given the application to John Brandriff, a Lunar Fest Board Member, and that he would be submitting it for the Commission.

- Noted that Ms. Sherron would also be submitting the application for the Black History Parade and Expo.

C) Future Outreach Opportunities

- 1) Input from Outreach Coordinator on upcoming outreach events
- 2) Input from Commission Members on potential outreach events

Commissioner Adams:

- Said she talked to the Mayor's Chief of Staff who suggested the Commission contact Mark Reddick with the Youth Committee and also recommended contacting the principal at North High School.
- Noted that other e-mails had been received about various events, but that she was unable to open Nuestra de Navidad flyer so she didn't have a date for the event.
- Said she received an e-mail regarding Vivian Stancil's Olympic Foundation Gala which will be held on January 25, 2014 at 5 PM.

Chairwoman Roberts:

- Noted that she would be sending in her money for the gala and to let her know if any other commissioner wanted to include theirs with hers.

OLD BUSINESS

Ledezma Officer-Involved Death (OID) Case Evaluation

Continue discussion and action, if any, on the Ledezma OID case evaluation. The Commission will continue with Stage VI (Written Public Report). The Commission may return to discussion of completed Stages, if needed.

Chairwoman Roberts recommended a change in the first paragraph on Page 4 of 10 from "A couple of independent neighboring witnesses said Ledezma held **approximately** 2' – 3' long metal pole..." to "A couple of independent neighboring witnesses said Ledezma held **an approximate** 2' – 3' long metal pole..."

Commissioner Adams recommended that the wording In the Recommendations section on Page 8 be changed from "The Commission felt it necessary..." to "The Commission made..."

Chairwoman Roberts then asked for a motion to approve the report.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the Commission approve the Ledezma OID public report as amended	Ortiz	Rotker	Unanimous	0	0

Chairwoman Roberts then called for public comment on this item.

John Brandriff recalled that he had spoken of recording issues at the October meeting, noting that Asst. Chief Vicino had said that an officer had activated his recorder during the Jimenez incident. Mr. Brandriff expressed concern that the Commission is no longer getting these audio recordings and that they should find out why these recordings and transcripts are no longer given to the Commission. He said that it used to be different and noted that the Dunbar OID doesn't have transcripts or audio provided. He also said there is no mention of OIDs in the Commissioner Training Module on the CPRC website and was curious as to why OIDs were not mentioned.

Dunbar Officer-Involved Death (OID) Case Evaluation

Continue discussion and action, if any, on the Dunbar OID case evaluation. The Commission is continuing its evaluation in Stage I (Commission Member Review) and Stage II (Fact Finding, Request for Training & Investigation) and may begin Stage III (Policy and Procedure Process). The Commission may return to discussion of completed Stages, if needed.

Chairwoman Roberts asked if commissioners were ready to begin discussion on this case. Receiving no response, she asked if there was a scene sketch, noting that it would be helpful to know where everyone was located. Mr. Hauptmann said he would look into that.

Commissioner Rotker agreed, noting that he, too, would like to see a diagram of the pursuit showing where Mr. Dunbar and the officer went. He also asked if there was any indication that Mr. Dunbar was on meth and, if he was, whether that would affect and contribute to his behavior. Mr. Hauptmann asked if he wanted training on this. Commissioner Rotker said that wouldn't be necessary if the question could be answered quickly.

Commissioner Rotker also noted that Mr. Dunbar's gun had tape wrapped around the handle and asked why that would be done. Mr. Hauptmann said there are a number of reasons that would be done such as keeping the hand grip from falling apart or to give the user a better grip. Mr. Rotker asked if the tape might be used to limit or eliminate fingerprints. Mr. Hauptmann said it is easier to find prints on tape by using than on the standard grips. Commissioner Rotker was satisfied with his explanation.

Commissioner Rotker then asked how the officer was able to climb a 6' wall. Asst. Chief Vicino answered, saying that the officer pulled himself up and hung on with his armpit. Commissioner Rotker asked if the officer was able to hold himself up and fire his gun while hanging on the fence; Asst. Chief Vicino confirmed that that was what he did.

Chairwoman Roberts said she was trying to reconcile the logistics reviewing Officer Lopez' interview. Officer Lopez said the suspect was running from west to east with the fence in a north / south direction. He said he went north of where the suspect went over because he thought he might be waiting for him.

Commissioner Taylor suggested pulling up a Google map, noting that he didn't find a diagram in casebook. He also said that while a glass pipe found, no drugs were found. He said that Mr. Dunbar was a Crip so he got out of the vehicle because he didn't want to go to jail, so he tried to get away and because the officer positioned himself in a different location that probably saved his life. The officer had to fire additional times because the suspect would not do as the officer asked. Mr. Dunbar's actions had nothing to do with drugs, but with his being in a gang.

Commissioner Ybarra agreed that drugs had nothing to do with Mr. Dunbar's actions and told Commissioner Rotker that he is an expert in drugs and could explain the symptomology of meth. Commissioner Rotker asked him if he would.

Commissioner Ybarra said that methamphetamine is a CNS (central nervous system) stimulant. It is not unusual for users to be awake for long periods of time and when they don't sleep, they can start to hallucinate and become paranoid.

Chairwoman Roberts asked if there was any additional discussion. As there was none, she said that a sketch or diagram of the scene was being requested. She noted that while commissioners were told to begin writing up their worksheets, they were not ready to formulate an official report and that they would continue with Stage 2 and work toward Stages 3 and 4.

Commissioner Taylor said he had thought the rationales were supposed to be ready for this meeting.

Chairwoman Roberts said it had been decided they would be started to use for discussion, but not yet ready to turn in.

Mr. Hauptmann reminded commissioners that the worksheet was their own product, although they didn't have to use it they didn't want to, but that the rationale helps in support of the finding and that some commissioners may have already have a finding.

Discussion continued as to how to proceed. Chairwoman Roberts said she was ready for discussion, but not a finding as the inconsistency of the scene weighed on her mind. She wanted to see how the incident unfolded and what the officer saw when he looked over the wall.

Commissioner Hawkins said it was a logical concern and asked Mr. Hauptmann if a sketch had been made and if it could be obtained in time for the next meeting.

Mr. Hauptmann said he would find out if there was a diagram and if so, why it was not in casebook.

Commissioner Rotker asked Chairwoman Roberts if she thought the involved officer should be reinterviewed. She said no and that she wanted a diagram based on what is already in the report.

Commissioner Rotker suggested they defer until next meeting so that they would be in a better position to discuss the case.

Mr. Hauptmann reiterated that he would ask if there was a scene sketch and if an explanation of everyone's position could be given. He said that if the sketch were obtained, everyone would get a copy

Chairwoman Roberts noted that the case could still be discussed.

Commissioner Ortiz said that they had agreed to wait until next meeting, but thought that everyone had already come to a conclusion regarding their finding. He asked if she would find it out of policy if the sketch indicated something different.

Chairwoman Roberts said a sketch would be nice because things weren't lining up and that the officer could have been off on his directions.

Commissioner Ortiz felt it would be appropriate to wait until the next meeting.

Commissioner Taylor agreed, having learned from Force Science that perceptions are tweaked during incidents of this nature.

Chairwoman Roberts said she understood that and knew there could be confusion, but wants to know if the officer may have been wrong in his description.

Commissioner Taylor asked what case was next for review.

Mr. Hauptmann told him it was the Bond case and that staff had not received it yet. He said he would find out when it would be sent.

NEW BUSINESS

Staff Report

Mr. Hauptmann had nothing to report.

Commission Member Comments

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

Commissioner Adams suggested that policing and mental illness be agendaized for discussion and that the Commission have a role in facilitation discussion between the police department and community regarding this issue. She said that the Commission could be a positive force in this and she felt that RPD's absence from the recent forum caused more problems than their presence would have.

Chairwoman Roberts agreed with that. She noted that after NACOLE in San Diego, she had suggested that RPD meet with not only the mental health groups in San Diego, but law enforcement in both San Diego City and County. She said it would be good if the information obtained could be shared with the community.

Commissioner Ybarra noted that he attended the mental health forum and said that while it is an important issue, he recommended that it not be an open forum. He said that discussion at the recent event got sidetracked and the main reason to be there, to hear from subject-matter experts, was lost. He said an educational component rather than a forum component would be more beneficial and efficient.

Commission Taylor asked if any commissioners use "Nextdoor Neighborhood". He said he would like to introduce the Commission to Nextdoor, which is a free, private website provided by City Hall and that 40 neighborhood groups in Riverside are currently registered with Nextdoor. He noted that information circulated on site is usually specific to a group, but because usership is larger, the Commission may be able to use the website for outreach purposes. Expressing surprise that so few people know about the CPRC, he said he would like to see the Commission use different media in the outreach effort.

Commissioner Taylor also noted that on December 14th, his neighborhood group, partnering with Girl Scout Troop 33, would be accepting "Support Our Troops" donations for deployed troops and toys for their children during their deployment. The event would take place at the main entrance to Riverwalk Montecito Estates on Collette Avenue.

Items for Future Commission Consideration

Other than Commissioner Adams' request during Commission Member Comments, there were no additional items for future Commission consideration.

Adjournment

The Commission adjourned at 7:08 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist

12-11-13 Minutes – Dec CR-Regular